

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Sherrie Robinson,

Plaintiff,

vs.

DeVille Asset Management LTD,

Defendant.

Case No.: 1:19-cv-03887

Honorable Edmond E. Chang

STATUS REPORT

1. The Nature of the Case:

a. Attorneys of record:

- Brian J. Olszewski representing Plaintiff.
- Counsel for Defendant DeVille Asset Management LTD has not yet appeared.

b. Jurisdictional basis for case: Jurisdiction of this court arises under 15 U.S.C.

§1692k(d). This is an action brought by a consumer, alleging violations of the Fair Debt Collection Practices Act.

c. Nature of claims:

This case revolves around violations for the Fair Debt Collection Practices Act 15 U.S.C. § 1692 *et seq.* (“FDCPA”). Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Alta College in the amount of \$1,685.00 (“the alleged Debt”). Plaintiff disputes the alleged Debt. On July 10, 2018, Plaintiff obtained her Trans Union credit disclosure and noticed Defendant reporting the alleged Debt. On or about September 21, 2018, Plaintiff sent Defendant a letter

disputing the alleged Debt. On September 29, 2018, a prospective lender, Synchrony/PayPal, obtained Plaintiff's Trans Union credit disclosure. On November 27, 2018, Plaintiff obtained her Trans Union credit disclosure, which showed that Defendant failed or refused to flag the account reflected by the alleged Debt as disputed, in violation of the FDCPA. On December 29, 2018, Capital One Auto Finance, another prospective lender, obtained Plaintiff's Trans Union credit disclosure. On March 18, 2019, Plaintiff obtained another Trans Union credit disclosure, which showed that Defendant continued to report the associated account without the dispute notation, in violation of the FDCPA.

d. Principal Legal and Factual Issues:

- Whether Defendant's foregoing acts have violated 15 U.S.C. § 1692(e) by reporting any person credit information which is false or which is known to be false including failing to report a disputed debt as disputed.
- The amount of damages, if any, to which Plaintiff is entitled.

e. **Relief Sought:** Plaintiff seeks statutory damages, actual damages, costs, reasonable attorneys' fees and correction of the inaccurate reporting on Plaintiff's credit reports.

2. Pending Motions and Case Plan:

a. **Service:** The Defendant has been served with the complaint.

b. **Pending Motions:** Currently there are no pending motions.

c. Mandatory Initial Discovery Pilot Project:

- i. Discovery will be needed on all allegations, claims, theories of liability, damages alleged in the Complaint.

- ii. Defendant has not filed a responsive pleading. Plaintiff will serve its Mandatory Initial Discovery disclosures and ESI disclosures within thirty (30) days of Defendant filing its responsive pleading.
 - iii. Since Defendant has not appeared or been in contact with Plaintiff, Plaintiff has not been able to discuss mandatory initial discovery responses with Defendant.
 - iv. Since Defendant has not yet appeared, Plaintiff requests that the Court postpone setting a deadline for the issuance of written discovery requests.
 - v. Since Defendant has not yet appeared, Plaintiff requests that the Court postpone setting a fact discovery completion date.
 - vi. Plaintiff does not anticipate the need for expert discovery.
 - vii. Since Defendant has not yet appeared, Plaintiff requests that the Court postpone setting a date for the filing of dispositive motions.
- d. **Jury Trial:** Plaintiff has requested a jury trial. Plaintiff estimates that trial will take 2-3 days.
- e. **Service of Pleadings:** Plaintiff agrees to service of pleadings and other papers by electronic means under Federal Rule of Civil Procedure 5(b)(2)(E).

3. Consent to Proceed Before a Magistrate Judge:

- a. All parties do not consent to proceed before a magistrate judge for all purposes.

4. Status of Settlement Discussions:

No settlement discussions have occurred as Counsel for Defendant has yet to appear. Plaintiff believes it would not be appropriate to schedule a settlement conference at this time.

Respectfully submitted,

Date: July 17, 2019

/s/ Brian J. Olszewski

Brian J. Olszewski

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 17, 2019 I filed the foregoing *Status Report* through the Court's CM/ECF system, which will cause electronic notification of this filing to be sent to all parties who have appeared as of the time of the filing.

By: /s/ Brian J. Olszewski
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